

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:)
COMPLAINT C2011-028)
State Ethics Commission,)
Complainant;)
vs.) **DECISION AND ORDER**
Hampton Co. Democratic Party,)
Respondent.)

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on October 4, 2010. On November 17, 2010, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging the Respondent, Hampton County Democratic Party, with six violations of Section 8-13-1308(G), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on July 20, 2011 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and Richard H. Fitzgerald. Respondent was not present, but was duly notice. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
FAILURE TO FILE A QUARTERLY OPERATING DISCLOSURE FORM
SECTION 8-13-1308(G) , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Hampton County Democratic Party, a political party committee, on or about January 10, 2009 did fail to file a quarterly Operating Disclosure Form within ten days of the end of each calendar quarter until such time as a final report

is filed.

COUNT TWO
FAILURE TO FILE A QUARTERLY OPERATING DISCLOSURE FORM
SECTION 8-13-1308(G) , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Hampton County Democratic Party, a political party committee, on or about October 10, 2009 did fail to file a quarterly Operating Disclosure Form within ten days of the end of each calendar quarter until such time as a final report is filed.

COUNT THREE
FAILURE TO FILE A QUARTERLY OPERATING DISCLOSURE FORM
SECTION 8-13-1308(G) , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Hampton County Democratic Party, a political party committee, on or about January 10, 2010 did fail to file a quarterly Operating Disclosure Form within ten days of the end of each calendar quarter until such time as a final report is filed.

COUNT FOUR
FAILURE TO FILE A QUARTERLY OPERATING DISCLOSURE FORM
SECTION 8-13-1308(G) , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, , Hampton County Democratic Party, a political party committee, on or about April 10, 2010 did fail to file a quarterly Operating Disclosure Form within ten days of the end of each calendar quarter until such time as a final report is filed.

COUNT FIVE
FAILURE TO FILE A QUARTERLY OPERATING DISCLOSURE FORM
SECTION 8-13-1308(G) , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, , Hampton County Democratic Party, a political party committee, on or about July 10, 2010 did fail to file a quarterly Operating Disclosure

Form within ten days of the end of each calendar quarter until such time as a final report is filed.

COUNT SIX
FAILURE TO FILE A QUARTERLY OPERATING DISCLOSURE FORM
SECTION 8-13-1308(G) , S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Hampton County Democratic Party, a political party committee, on or about October 10, 2010 did fail to file a quarterly Operating Disclosure Form within ten days of the end of each calendar quarter until such time as a final report is filed.

STATEMENT OF FACTS

1. The Respondent, Hampton County Democratic Party, is a political party committee.
2. Investigator Dan Choate testified that Respondent, by letter dated July 28, 2010, was advised that quarterly campaign disclosure forms (CD) that were due by January 10, 2009; October 10, 2009; January 10, 2010; April 10, 2010; and July 10, 2010 had not been received and late filing penalties of \$500 were being levied. By certified letter dated September 7, 2010, Respondent was advised that the CDs had not been received. By letter dated October 5, 2010, Respondent was advised that a complaint had been filed against it.
3. On October 6, 2010 Investigator Choate left a message at the Party's listed telephone number concerning the late CDs and penalties. On October 12, 2010 Investigator Choate spoke to Susan Rowell. She stated she had been dealing with a bout of depression. She stated she would send in the late CDs and appeal the penalty.
4. Respondent is not in compliance and the late-filing penalty of \$25,000.00

remains unpaid.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Hampton County Democratic Party, is a political party committee as defined by Sections 8-13-1300(6) and 8-13-1300(26).

2. The State Ethics Commission has personal and subject matter jurisdiction.

3. Section 8-13-1308 provides as follows:

(G) Notwithstanding any other reporting requirements in this chapter, a political party, legislative caucus committee, and a party committee must file a certified campaign report upon the receipt of anything of value which totals in the aggregate five hundred dollars or more. For purposes of this section, "anything of value" includes contributions received which may be used for the payment of operation expenses of a political party, legislative caucus committee, or a party committee. A political party also must comply with the reporting requirements of subsections (B), (C), and (F) of Section 8-13-1308 in the same manner as a candidate or committee.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

5. Section 8-13-320(10)(l)

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

DECISION

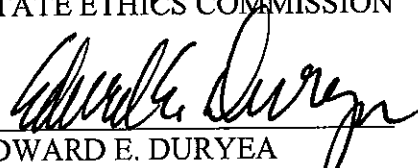
NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Hampton Co. Democratic Party is in violation of Section 8-13-1308(G); and therefore, Respondent Hampton Co. Democratic Party is hereby PUBLICLY REPRIMANDED and a FINE of \$12,000.00 is ASSESSED, in addition to the late-filing penalty of \$25,000.00.

IT IS FURTHER ORDERED, that if disclosure is not made within 30 days of receipt of the order, then a complaint will be filed against Respondent for failure to disclose contributions and expenditures.

FINALLY, Respondent Hampton Co. Democratic Party has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 11th DAY OF August, 2011.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA